

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable Lorenzo F. Garcia

CASE NO. CIV 09-851 LFG/RHS **DATE:** November 10, 2009

TITLE: *George v. United States, et al.*

COURTROOM CLERK: L. Goldsmith

COURT REPORTER:

COURT IN SESSION: 1:30 p.m.

COURT IN RECESS: 1:35 p.m.

TOTAL TIME: 5 min.

TYPE OF PROCEEDING: Motion Hearing on D's Motion for Extension of Time to File Answer

COURT'S RULINGS/DISPOSITION: Motion granted; 7-day extension granted.

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

James M. Manley

Raymond Hamilton

PROCEEDINGS:

Court in Session: 1:30 p.m.

Court: I'm calling because it's my practice to try to intervene early on matters that don't require a lot of briefing. I saw on the docket an opposed motion by Defendants for an extension of time to answer the complaint.

Addresses Hamilton: Why do you need additional time?

RH: We're seeking 5 additional days, from Nov. 6 to Nov. 11, to file an answer. In reviewing the litigation report from the Forest Service, I think there is a good argument for dismissal based on lack of jurisdiction, and because the claim is clearly time-barred. The issue in this case is whether a gate should be opened or closed. It's picayune.

Ct: But why do you need additional time to answer?

RH: We're trying to determine whether to file a counterclaim.

Ct: Addresses Manley: Why does P oppose the request?

JM: Ms. George was cited for blocking an easement. That claim was dismissed by Magistrate Judge Riggs. Then Ms. George was cited again. Every day of delay

increases the chances of more criminal charges. I'm concerned that a 5-day delay will lead to further delays.

Ct: The only request before me right now is for one 5-day extension.

JM: Every day this matter is delayed means that my client faces a greater chance of more criminal charges being brought.

Ct: The Creed of Professionalism, applicable by Local Rule to attorneys practicing before this Ct, states that the parties should accommodate their opponents' reasonable requests for accommodation. In the absence of a showing of any harm to P, I find that D's request is reasonable. I will grant a 7-day extension of the time for filing an answer.

Nothing further from either party.

COURT IN RECESS: 1:35 p.m.